

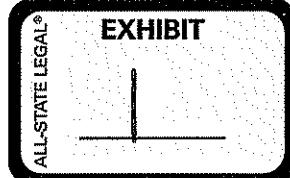
Page 1

1

2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MASSACHUSETTS
4 Case No. 04 10487 GAO

5)
6 INSITUFORM TECHNOLOGIES, INC.,
7 Plaintiff,

8 vs.
9)
10
11
12
13 DEPOSITION OF CHRIS CAMPOS, CPA
14 New York, New York
15 Friday, May 11, 2007
16
17
18
19
20
21
22
23 Reported by:
24 Toni Allegrucci
25 JOB NO. 194114/9968



1
2 May 11, 2007
3 9:34 a.m.
4

5 Deposition of CHRIS CAMPOS, held at
6 the offices of Nixon Peabody, LLP, 437
7 Madison Avenue, New York, New York,
8 pursuant to Notice and Federal Rules of
9 Civil Procedure, before Toni Allegrucci,
10 a Notary Public of the State of New
11 York.

12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CAMPOS
2 C H R I S C A M P O S, called as a witness,
3 having been duly sworn by a Notary Public,
4 was examined and testified as follows:

5 EXAMINATION BY

6 MR. DESCENES:

7 Q. State your name for the record,
8 please.

9 A. Chris Campos.

10 Q. State your business address,
11 please.

12 A. 310 Cedar Lane, Teaneck, New Jersey
13 07666.

14 Q. Good morning, Mr. Campos.

15 A. Good morning, sir.

16 Q. My name is Greg Deschenes, we just
17 briefly met out in the lobby. I represent
18 the defendant in this case, American Home
19 Assurance Company.

20 Thank you for coming in today.

21 A. Okay. You are welcome.

22 Q. Appreciate it. Could you please
23 state your full legal name for the record.

24 A. Chris Campos.

25 Q. What is your date of birth?

1
2 APPEARANCES:
3

4 HOLLAND & KNIGHT, LLP
5 Attorneys for Plaintiff
6 131 S. Dearborn Street 30th Flr.
7 Chicago, Illinois 60603
8 BY: CHARLES L. PHILBRICK, ESQ.
9
10 NIXON PEABODY, LLP
11 Attorneys for Defendant
12 100 Summer Street
13 Boston, Massachusetts 02110
14 BY: GREGORY P. DESCENES, ESQ.

15
16
17
18
19
20
21
22
23
24
25

1 CAMPOS

2 A. August 17, 1929.

3 Q. Where do you live?

4 A. 121 Chestnut Street,
5 Englewood Cliffs, New Jersey.

6 Q. Are you currently employed?

7 A. Yes.

8 Q. By whom?

9 A. The firm of Campos and Stratis,
10 Professional Association.

11 Q. Are you a principal of that firm?

12 A. Yes, sir.

13 Q. Are there any other principals of
14 that firm?

15 A. There are three other shareholders.

16 Q. How many employees are in the firm?

17 A. In the New Jersey office,

18 approximately eight.

19 Q. And firm wide?

20 A. Oh, another dozen maybe.

21 Q. Where are your other locations
22 besides New Jersey?

23 A. Salt Lake City and Los Angeles.

24 Q. Have you ever been deposed before,
25 sir?

<p style="text-align: right;">Page 6</p> <p>1 CAMPOS</p> <p>2 A. Yes, I have.</p> <p>3 Q. Approximately how many times?</p> <p>4 A. Over 200, over the years.</p> <p>5 Q. So you are a very experienced witness, correct?</p> <p>6 A. Well, all right, you put it that way, yes.</p> <p>7 Q. And what types of different cases, generally speaking, have you given deposition testimony?</p> <p>8 A. It's involving insurance claims or litigation between corporations in which I've testified, okay.</p> <p>9 Q. Yes. Let me just give you a brief review of the deposition ground rules.</p> <p>10 A. Yes, sir.</p> <p>11 Q. We are here today to get your testimony and find out the opinions you have in connection with this case. I'm going to ask you a series of questions. As the Court Reporter indicated before we went on the record, please let me finish the question before you answer; in order for the Court Reporter to accurately transcribe my</p>	<p style="text-align: right;">Page 8</p> <p>1 CAMPOS</p> <p>2 Q. Are you on any special medications that may affect your memory?</p> <p>3 A. No, sir.</p> <p>4 Q. Are you represented by counsel here today?</p> <p>5 A. No.</p> <p>6 Q. Mr. Philbrick, who represents the plaintiff Insituform, may make objections from time to time, he looks shocked, but he may, and you understand because you are an experienced witness and deponent that just because he makes an objection, you are supposed to answer the question if you understand it.</p> <p>7 Q. Is that okay with you?</p> <p>8 A. Yes.</p> <p>9 Q. Unless he instructs you not to answer. Is that okay?</p> <p>10 A. Yes, yes, sir.</p> <p>11 Q. Let me ask you a couple general questions about your educational background. Did you attend college?</p> <p>12 A. Yes.</p> <p>13 Q. Where?</p>
<p style="text-align: right;">Page 7</p> <p>1 CAMPOS</p> <p>2 questions and your answers, we must try not to talk over each other.</p> <p>3 Q. Is that okay with you?</p> <p>4 A. Yes, sir.</p> <p>5 Q. You must give verbal answers, "yes" or "no," rather than head nods or "um-hum," which do not show up on the transcript.</p> <p>6 Q. Is that understandable to you?</p> <p>7 A. Yes, sir.</p> <p>8 Q. If you don't understand a question, please let me know and I'll try to rephrase it, otherwise, if you answer I will assume you understood the question.</p> <p>9 Q. Is that okay with you?</p> <p>10 A. Yes, sir.</p> <p>11 Q. You understand that you are under oath, and that my client is relying on the answers you give here today?</p> <p>12 Q. Do you understand that?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Is there anything that would affect your ability to testify fully and truthfully here today?</p> <p>15 A. No, sir.</p>	<p style="text-align: right;">Page 9</p> <p>1 CAMPOS</p> <p>2 A. Rutgers University in New Jersey.</p> <p>3 Q. Did you graduate?</p> <p>4 A. Yes, sir.</p> <p>5 Q. When?</p> <p>6 A. 1951.</p> <p>7 Q. What was your major or degree in?</p> <p>8 A. Bachelor of Science in Accounting.</p> <p>9 Q. Have you taken any post-graduate courses?</p> <p>10 A. Yes, I did.</p> <p>11 Q. Where?</p> <p>12 A. Both at Rutgers and New York University.</p> <p>13 Q. When?</p> <p>14 A. Shortly after I graduated undergraduate school.</p> <p>15 Q. In 1951?</p> <p>16 A. Yes.</p> <p>17 Q. In what area of studies did you take postgraduate level courses?</p> <p>18 A. In accounting.</p> <p>19 Q. Did you graduate from any of those graduate programs?</p> <p>20 A. No, I did not. My courses were</p>

3 (Pages 6 to 9)

<p>1 CAMPOS 2 interrupted for service in the Army, and I 3 never went back.</p> <p>4 Q. So you have no advanced degrees; is 5 that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Have you taken any other 8 professional continuing education type 9 courses?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Can you describe just generally 12 what those courses entailed?</p> <p>13 A. A variety of continuing 14 professional education courses that are 15 required to maintain my license, both 16 sponsored by either the American Institute of 17 CPAs, New York Society of CPAs or the 18 New Jersey Society of CPAs.</p> <p>19 I took one last week on fraud, 20 okay. Whatever, I take them on business 21 valuations, I take them on litigation 22 support. When I see them, if they are of 23 interest to me or if they are things that 24 would benefit me and my practice, I sign up 25 for them.</p>	<p>1 CAMPOS 2 that specific field, nor have I ever seen one 3 of those offered specifically for pipe.</p> <p>4 Q. Okay. What is your current 5 occupation?</p> <p>6 A. Well, I'm a Certified Public 7 Accountant and I'm president of Campos and 8 Stratis, a Professional Association.</p> <p>9 Q. How long have you been a Certified 10 Public Accountant?</p> <p>11 A. Five years.</p> <p>12 Q. Since 1957?</p> <p>13 A. Actually since in 1956 I think, a 14 few more years.</p> <p>15 Q. Beginning after you left, was it 16 the Army?</p> <p>17 A. Yes.</p> <p>18 Q. After you left the Army and you 19 graduated from college, could you please tell 20 me generally about your employment history?</p> <p>21 A. Actually I was employed by a firm 22 then known as Ernst & Ernst.</p> <p>23 Q. Is that after you left the Army?</p> <p>24 A. No. I was working for them upon 25 graduation, even in an internship program</p>
<p>1 CAMPOS</p> <p>2 Q. You mentioned that you have to take 3 these courses in order to maintain your 4 license; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Can you tell me what the 7 requirements are for maintaining your license 8 in New Jersey?</p> <p>9 A. It's X number of hours over a three 10 year period, it varies by state. My 11 secretary keeps a record of them, when I came 12 back last week I gave her the certificate 13 with the four hours and, you know, when it 14 gets close to the deadline I, you know, 15 several months before the deadline I look to 16 see to make sure I comply.</p> <p>17 Q. Understood. Have you taken any 18 continuing education courses in the area of 19 accounting for pipe rehabilitation companies?</p> <p>20 A. I have not. I don't recall ever 21 seeing one.</p> <p>22 Q. Have you ever taken any continuing 23 education courses on costs related to pipe 24 rehabilitation or trenchless technology?</p> <p>25 A. No, again, I have not taken one in</p>	<p>1 CAMPOS 2 during my senior year.</p> <p>3 Q. Can I just stop you and ask you 4 when that was?</p> <p>5 A. 1951. And then I was taking the 6 graduate courses at night, I was interrupt -- 7 my work for Ernst & Ernst was interrupted in 8 April of '52 to go to the Army, for two 9 years, where I was in the Army Audit Agency, 10 and I returned to Ernst & Ernst in 1954.</p> <p>11 Q. And after you returned to 12 Ernst & Ernst in 1954, what was your position 13 then?</p> <p>14 A. I was a staff accountant, and 15 worked my way up to the point where I was a 16 partner when I left in 19-- late 1968, early 17 1969.</p> <p>18 Q. And where did you work for 19 Ernst & Ernst, was it in New York City?</p> <p>20 A. At first it was New York City and 21 then it was the Newark office. I was one of 22 a group of six that opened the Newark office 23 for Ernst.</p> <p>24 Q. And when was that?</p> <p>25 A. '56, something like that.</p>

4 (Pages 10 to 13)

1 CAMPOS
 2 Q. You mentioned that you started out
 3 as a staff accountant and worked your way up
 4 to partner; is that correct?
 5 A. Yes.
 6 Q. At Ernst & Ernst?
 7 A. Yes, sir.
 8 Q. When did you become partner at
 9 Ernst & Ernst?
 10 A. In 1968.
 11 Q. While you were at Ernst & Ernst,
 12 what were your duties and responsibilities?
 13 A. I was on the audit staff, so I
 14 conducted and supervised audits of
 15 corporations and, at the same time, I was one
 16 of a few who were involved in business
 17 interruption insurance claims on behalf of
 18 our clients, and defensive product liability
 19 claims.
 20 Q. While you were with Ernst & Ernst,
 21 did you specialize in any one industry or
 22 another?
 23 A. No. I worked on a variety of
 24 industries.
 25 Q. So for instance, you did not

1 CAMPOS
 2 I don't want to say that I "specialize"
 3 because the profession frowns on it.
 4 Q. I understand your concern. You
 5 mentioned conducting and supervising audits
 6 of corporations, you also mentioned working
 7 on business interruption insurance claims and
 8 defensive products liability claims.
 9 A. Yes, sir.
 10 Q. Can you tell me what involvement,
 11 while you were at Ernst & Ernst, did you have
 12 in working on business interruption insurance
 13 claims?
 14 A. Well, insurance companies would
 15 hire us, and specifically a partner that I
 16 worked for at the time, and me, as opposed to
 17 the rest of the people in the firm, to
 18 represent them in analyzing insurance claims
 19 presented by insureds for property damage and
 20 business interruption.
 21 Q. So did that work involve working as
 22 an expert consultant in evaluating damages
 23 claims?
 24 A. It really involved, in most
 25 instances, being a consultant. In very few

1 CAMPOS
 2 specialize in the area of construction, the
 3 construction industry; is that correct?
 4 A. First of all, if I may put it on
 5 the record, we accountants cannot claim we
 6 "specialize" in anything because otherwise it
 7 would be a self-proclamation of a specialty.
 8 We don't have specialties like doctors do,
 9 okay.
 10 So basically you might say, did I
 11 limit my practice to, and the answer is no, I
 12 did not, but I did work on construction
 13 claims, okay.
 14 Q. Okay. Let me take a step back. I
 15 didn't mean by using the term "specialized"
 16 as a term of art, like a doctor.
 17 A. Okay. Right.
 18 Q. I meant "focused" by "specialized,"
 19 but let me just rephrase it.
 20 Did you focus your practice on
 21 construction industry claims?
 22 A. No, but construction was part of my
 23 practice.
 24 Q. Okay.
 25 A. And just, I just wanted the record,

1 CAMPOS
 2 cases did it go to court, okay.
 3 Q. I was going to ask. You were
 4 anticipating what I was going to ask.
 5 A. No, I'm sorry, I wasn't. In other
 6 words, in the majority of cases it didn't go
 7 to court, okay, it was resolved between the
 8 two parties, okay.
 9 Q. Right. So you were retained in
 10 these cases by insurance companies?
 11 A. Yes, sir.
 12 Q. For the most part?
 13 A. Yes, sir.
 14 Q. Did you do any work while you were
 15 in Ernst & Ernst in the business interruption
 16 insurance area for policyholders or insureds?
 17 A. No, sir.
 18 Q. And you also mentioned defense of
 19 products liability claims?
 20 A. Yes, sir.
 21 Q. What was your involvement in the
 22 defense of products liability claims while
 23 you were at Ernst & Ernst?
 24 A. An insurance company hired me in
 25 particular, as a matter of reference from

<p>1 CAMPOS</p> <p>2 some other office referred them to me, to</p> <p>3 defend them in cases where they were involved</p> <p>4 in litigation in a products liability claim.</p> <p>5 Q. What kind of services would you</p> <p>6 provide in the defense of a products</p> <p>7 liability claim?</p> <p>8 A. Review and analyze the claim made.</p> <p>9 Most of those cases were involving defending</p> <p>10 Westinghouse, who was an insured of the</p> <p>11 insurance company, not solely, but many of</p> <p>12 them, okay.</p> <p>13 Q. And what were you analyzing in</p> <p>14 those cases?</p> <p>15 A. The claim that was made by the</p> <p>16 electric utility or whoever was involved.</p> <p>17 There are a lot of electric utility cases</p> <p>18 where they were claiming that they bought a</p> <p>19 generating unit that was supposed to generate</p> <p>20 800 megawatts, and was only generating 600,</p> <p>21 they would be making a claim for damages for</p> <p>22 the difference between the two, and I would</p> <p>23 be involved in analyzing those claims, okay.</p> <p>24 Q. Understood. So your involvement in</p> <p>25 analyzing those claims was analyzing the</p>	<p>1 CAMPOS</p> <p>2 can't recall exactly, of experience with an</p> <p>3 accounting firm before you could become a CPA</p> <p>4 MR. DESCENES: Off the record.</p> <p>5 (Off-the-record discussion held.)</p> <p>6 Q. You left Ernst & Ernst in 1969 and,</p> <p>7 at that time, what did you do then?</p> <p>8 A. I started an accounting firm called</p> <p>9 Chris Campos CPA.</p> <p>10 Q. And is that the same firm that you</p> <p>11 are president of and shareholder of today?</p> <p>12 A. Yes. It's the predecessor to, yes.</p> <p>13 Q. Today do you specialize in any</p> <p>14 area -- strike that, because I know you don't</p> <p>15 like the word "specialize."</p> <p>16 Do you focus today on any area of</p> <p>17 accounting?</p> <p>18 A. Well, first, we do not do</p> <p>19 conventional accounting; we do not do audits,</p> <p>20 do not do taxes. We are involved only in</p> <p>21 insurance claims or litigation support or</p> <p>22 involved in lawsuits on behalf of</p> <p>23 corporations or individuals.</p> <p>24 So all of our work is what they now</p> <p>25 call "forensic accounting," which we were</p>
<p>1 CAMPOS</p> <p>2 damages of those claims; is that correct,</p> <p>3 sir?</p> <p>4 A. The damages, yes.</p> <p>5 Q. And you mentioned, I believe, that</p> <p>6 you left Ernst & Ernst in 1969; is that</p> <p>7 correct?</p> <p>8 A. Early 1969, yes.</p> <p>9 Q. Okay. Before you left</p> <p>10 Ernst & Ernst you became a Certified Public</p> <p>11 Accountant; is that correct?</p> <p>12 A. Yeah, sometime before, yeah.</p> <p>13 Q. What year did you become a CPA?</p> <p>14 A. I think in 1956.</p> <p>15 Q. Can you tell me what you had to do</p> <p>16 in order to become a CPA?</p> <p>17 A. Well, you had to, before you could</p> <p>18 sit before the CPA exam, in those days you</p> <p>19 had to have certain courses, college courses,</p> <p>20 in auditing, accounting, commercial law,</p> <p>21 etc., as a foundation for your sitting, and</p> <p>22 you would sit for a two and a half day</p> <p>23 examination, four parts, and you'd have</p> <p>24 successfully passed those four parts and then</p> <p>25 you also needed to have two or three years, I</p>	<p>1 CAMPOS</p> <p>2 doing before they coined the term.</p> <p>3 Q. Why did you leave Ernst & Ernst in</p> <p>4 1969?</p> <p>5 A. Two opportunities presented</p> <p>6 themselves to me, I was not seeking them, but</p> <p>7 they were proposed to me, and also Ernst, in</p> <p>8 those days, was not interested in the</p> <p>9 insurance claims and I was the only one who</p> <p>10 was willing to extend himself and put the</p> <p>11 extra time and effort into the insurance</p> <p>12 claim.</p> <p>13 At the beginning of the year each</p> <p>14 of us had a list of clients with an estimated</p> <p>15 number of hours that you'd spend with each</p> <p>16 client, then you'd have the insurance company</p> <p>17 with a question mark, so you never knew how</p> <p>18 many hours it was going to be, when it was</p> <p>19 going to be, I was the only one willing to do</p> <p>20 that, they weren't interested in that and</p> <p>21 then when these two opportunities presented</p> <p>22 themselves I embarked on my own.</p> <p>23 Q. And you mentioned in one of your</p> <p>24 previous answers that your firm, the Campos</p> <p>25 firm, does not focus on traditional areas of</p>

1 CAMPOS
 2 accounting, but focuses instead in forensic
 3 accounting or consulting work in the
 4 litigation area, has that always been true
 5 from 1969 to the present day?

6 A. Yes, sir.

7 Q. And is "forensic accounting" also
 8 referred to sometimes as "investigative
 9 accounting"?

10 A. We used to call it "investigative
 11 accounting" before they coined the term, yes.

12 Q. Well, I noticed in your written
 13 materials it refers to it as "investigating
 14 accounting," so I may use that term; is that
 15 fair?

16 A. Yes, sir.

17 Q. So you have been working in the
 18 field of investigative accounting for 30 --
 19 at least in your own firm, for about 38
 20 years; is that correct?

21 A. My own firm.

22 Q. Before that, at Ernst & Ernst, part
 23 of your practice was also in the field of
 24 investigative accounting; is that correct?

25 A. Yes, sir.

1 CAMPOS
 2 A. You mean --
 3 Q. Do you understand what I mean by
 4 that question?

5 A. I want to make sure I understand
 6 it.

7 Q. All right.

8 A. In other words, in every issue
 9 there's a question of liability and a
 10 question of quantum.

11 Q. Correct.

12 A. We rarely get involved in the
 13 liability unless it's accountants malpractice
 14 or something along those lines, okay.

15 Q. Let me just ask a follow-up
 16 question and make it crystal clear. When I
 17 referred to "liability," I mean does your
 18 firm ever get involved in analyzing whether
 19 there is coverage under a policy?

20 A. No, sir.

21 Q. Your firm's role is strictly in
 22 the, as you called it, the quantification of
 23 damages; is that correct, sir?

24 A. Yes, sir.

25 Q. And you mentioned in one of your

1 CAMPOS

2 Q. Could you briefly describe, and I
 3 think you've done this probably a little bit
 4 in previous answers but let me ask you again,
 5 what generally your firm does in the field of
 6 investigative accounting, what kind of work
 7 do you do?

8 MR. PHILBRICK: Currently?

9 MR. DESCENES: Currently.

10 A. We're engaged in all cases to
 11 evaluate damages. If we're working for the
 12 defendant, evaluate damages that have been
 13 presented to determine whether they are
 14 reasonable; or if we're working for a
 15 plaintiff, in most instances we're called
 16 upon to prepare a claim and to assert the
 17 damages, okay.

18 So basically that's our
 19 involvement, it's in the quantification of
 20 the claim.

21 Q. You mentioned preparing a damages
 22 claim in your answer. Do you do work in any
 23 other area involving insurance claims; in
 24 other words, do you ever provide any expert
 25 services in issues involving liability?

1 CAMPOS

2 previous answers that when you are retained
 3 by a defendant often times you will be asked
 4 to determine whether the damages of costs are
 5 reasonable; is that correct, sir?

6 A. Yes, sir.

7 Q. And when you are retained by a
 8 plaintiff you will prepare a damages claim
 9 for the plaintiff; is that correct, sir?

10 A. In most cases, yes.

11 Q. Is part of your role when you are
 12 retained by a plaintiff in an insurance claim
 13 to determine whether their damages are
 14 reasonable?

15 A. Well, when we present a claim we
 16 present it objectively and determine that it
 17 is reasonable stated in order to present it,
 18 yes, when we prepare it, yes.

19 Q. So when you prepare a damages claim
 20 for a plaintiff, you typically will look at
 21 whether the damages are reasonable in the
 22 claim; is that correct, sir?

23 A. That's right.

24 Q. And do you do that in all cases?

25 A. Yes, sir.

1 CAMPOS

2 Q. Now, I won't use the term
 3 "specialty" again because I know that causes
 4 problems but, as I understand it, the focus
 5 on your practice today is on the evaluation
 6 of insurance claims; is that correct, sir?

7 A. And litigation.

8 Q. And other types of litigation?

9 A. Oh, yeah.

10 Q. Can you tell me what other types of
 11 litigation, and I'm talking about currently,
 12 I'm not going back in ancient history?

13 A. Sure, sure. Currently, although
 14 there may be insurance involved, presently
 15 hired by the defense in a subrogation action.
 16 Again, involved in its a four-year
 17 anniversary the other day of a case involving
 18 a shareholder dispute, between a former
 19 president of a company, who is a minority
 20 shareholder, and the corporation that he
 21 worked for, okay.

22 Get involved in, got one pending
 23 case that's involved with an architect
 24 malpractice case, so those are cases, the
 25 kind of cases that I get involved in, and

1 CAMPOS

2 occasionally marital disputes, not too many
 3 but occasionally. In other cases where loss
 4 of profits are being claimed by a corporation
 5 because of some action of the alleged
 6 wrongdoing, we get involved in that kind of
 7 thing, okay.

8 Q. Today what percentage of your cases
 9 involve insurance claims versus non-insurance
 10 matters?

11 A. Today, as we sit here today, the
 12 insurance is a minor part of it, you go back
 13 a year ago, Hurricane Katrina or whatever, it
 14 was a big part of it, okay. Who knows, after
 15 hurricane season starts, it may be a bigger
 16 percentage again.

17 Q. Hopefully not, or maybe in your
 18 case hopefully yes.

19 MR. PHILBRICK: Hopefully not.

20 We're all in the same boat there.

21 Q. Today, as we sit here today, it's
 22 not a big percentage of your practice, but
 23 what you are saying, in years past, depending
 24 what you are doing it might be a larger
 25 percentage; is that fair?

1 CAMPOS

2 A. Over the years it was a larger
 3 percentage, yes.

4 Q. Okay. Do you currently belong to
 5 any professional societies or associations?

6 A. Yes, sir.

7 Q. Can you tell me what professional
 8 societies or associations you belong to?

9 A. The American Institute of CPAs, the
 10 New York State Society of CPAs and the
 11 New Jersey Society of CPAs. There may be one
 12 or two other. I think Pennsylvania at one
 13 point, but I may have dropped out, I don't
 14 know, but New York and the New Jersey are the
 15 two that I'm involved in.

16 Q. Are you a member of any other
 17 professional groups or associations?

18 A. Not actively. Over the years I
 19 have been, but not -- I was a member of the
 20 Certified Fraud Examiners for a while, but I
 21 dropped out; as a condition of continued
 22 membership you had to write articles for them
 23 so they could publish them for a profit, and
 24 I decided I didn't want any part of that,
 25 okay.

1 CAMPOS

2 Q. Understood. Any other professional
 3 memberships that you can think of?

4 A. There were several others over the
 5 years, but I'm not active in them anymore,
 6 okay.

7 Q. Can you remember what those were?

8 A. Not off the top of my head. I know
 9 that some of them were involved with some
 10 publications that on the editorial advisory
 11 board on those, but again, I'm not active
 12 with those anymore.

13 Q. Do you currently hold any
 14 professional licenses or designations?

15 A. Yes. Certified Public Accountant,
 16 yes.

17 Q. In what states are you a Certified
 18 Public Accountant?

19 A. New York, New Jersey, Pennsylvania,
 20 Florida, Illinois. I was certified in a few
 21 other states, but I think over the years I've
 22 dropped out, like Texas, Puerto Rico and a
 23 few others, okay. Louisiana for sure.

24 Q. You are currently licensed there,
 25 sir?

<p>1 CAMPOS</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you have any other professional</p> <p>4 licenses or designations, other than what</p> <p>5 you've testified to?</p> <p>6 A. No, sir.</p> <p>7 Q. Have you published any articles or</p> <p>8 papers in your professional area?</p> <p>9 A. Yes, I have.</p> <p>10 Q. Have you authored any articles on</p> <p>11 topics related to the pipe rehabilitation</p> <p>12 industry?</p> <p>13 A. Not that specific, no, sir.</p> <p>14 Q. Have you ever authored any articles</p> <p>15 on topics related to damages claims in the</p> <p>16 construction industry?</p> <p>17 A. Did you say "profits"?</p> <p>18 Q. No. I said "damages claims in the</p> <p>19 construction industry."</p> <p>20 A. Oh, I thought -- okay. Maybe get</p> <p>21 the whole sentence again, please.</p> <p>22 (Record read.)</p> <p>23 Q. Have you ever authored any articles</p> <p>24 related to topics to damages claims in the</p> <p>25 construction industry?</p>	<p>Page 30</p> <p>1 CAMPOS</p> <p>2 your curriculum vitae?</p> <p>3 A. Yes.</p> <p>4 Q. Does it accurately reflect your</p> <p>5 education, training and professional</p> <p>6 experience that you've previously testified</p> <p>7 about?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Is there anything in here that you</p> <p>10 would like to update or change?</p> <p>11 A. With respect to the publications,</p> <p>12 as it sets forth in the first sentence, these</p> <p>13 are the publications preceding ten years, and</p> <p>14 says prior.</p> <p>15 Q. Right.</p> <p>16 A. This is I do not believe a complete</p> <p>17 list of what I've done over the years, okay.</p> <p>18 And these were the articles that were</p> <p>19 published in magazines or mainly outside</p> <p>20 publications. In addition to that I authored</p> <p>21 articles that were given at seminars that</p> <p>22 either my firm conducted or I was part of</p> <p>23 that some organization conducted.</p> <p>24 Q. With those qualifications in mind,</p> <p>25 is this Exhibit 1 true and complete today?</p>
<p>1 CAMPOS</p> <p>2 A. I may have, but I don't recall.</p> <p>3 I've done a lot of work in the construction</p> <p>4 industry, I'd have to do some research to</p> <p>5 answer that question.</p> <p>6 Q. Okay. Maybe you can take a look at</p> <p>7 your CV at the break, and we can turn back to</p> <p>8 that at some point.</p> <p>9 MR. DESCHENES: Let's mark this as</p> <p>10 the first exhibit.</p> <p>11 (Campos Exhibit 1, document, marked</p> <p>12 for identification, as of this date.)</p> <p>13 A. Sir, my year and a half working for</p> <p>14 the Army Audit Agency, I was doing, I was</p> <p>15 auditing cost plus fixed fee contracts, for</p> <p>16 construction contractor and for an architect</p> <p>17 engineer, that was all I was doing at the</p> <p>18 time.</p> <p>19 Q. Okay. Did you just get that on the</p> <p>20 record, that answer, okay. The Court</p> <p>21 Reporter has marked Exhibit 1, which I've</p> <p>22 handed to you, I ask you to take a moment to</p> <p>23 review it and then I'll ask you a question.</p> <p>24 A. Yes, sir.</p> <p>25 Q. Is that exhibit in front of you</p>	<p>Page 31</p> <p>1 CAMPOS</p> <p>2 A. Yes.</p> <p>3 Q. Mr. Campos, is it fair to say that</p> <p>4 your area of expertise is primarily in the</p> <p>5 area of accounting?</p> <p>6 A. Yes.</p> <p>7 Q. Is it fair to say that your area of</p> <p>8 expertise is limited to accounting?</p> <p>9 A. I think no. I think it's business</p> <p>10 in general, accounting and specific. I've</p> <p>11 had experience in the business world, it's</p> <p>12 not just limited to the accounting aspects.</p> <p>13 Q. Are there any other areas where you</p> <p>14 would consider yourself qualified as an</p> <p>15 expert to testify?</p> <p>16 A. There may be, but I can't off the</p> <p>17 top of my head come up with one right now.</p> <p>18 Q. Do you consider yourself qualified</p> <p>19 as an expert on trenchless or cured in place</p> <p>20 pipe technology?</p> <p>21 A. No, sir. Not that specific, no.</p> <p>22 Q. Do you consider yourself an expert</p> <p>23 on costs associated with trenchless</p> <p>24 technology?</p> <p>25 A. With respect to costs in general,</p>

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 CAMPOS 2 which would include trenchless technology and 3 other technologies.</p> <p>4 Q. So is the answer to that question 5 "yes" --</p> <p>6 A. Yes.</p> <p>7 Q. -- you do consider yourself an 8 expert in the area of cost associated with 9 trenchless technology?</p> <p>10 A. Yes, as a subpart of costs, as a 11 general category.</p> <p>12 Q. But you do not consider yourself an 13 expert on trenchless or cured in place 14 technology; is that correct?</p> <p>15 A. That's right. I answered that 16 question earlier, I think.</p> <p>17 Q. Right. Do you consider yourself 18 qualified as an expert to testify about the 19 repairs made to the pipeliner in this case?</p> <p>20 A. With respect to the out-of-pocket 21 costs involved in this case, whether they 22 were repair or replacement, whatever they 23 might be, yes.</p> <p>24 Q. Okay. My question was slightly 25 different than that, and that is this, do you</p>	<p style="text-align: right;">Page 36</p> <p>1 CAMPOS 2 any specific designations of that sort.</p> <p>3 Q. And you are not a lawyer; is that 4 correct?</p> <p>5 A. No, sir, I'm not a lawyer.</p> <p>6 Q. And you don't consider yourself 7 qualified to give legal opinions; is that 8 correct?</p> <p>9 A. That's correct, and I don't give 10 them.</p> <p>11 Q. Fair enough. Have you ever been 12 disqualified as an expert in any case?</p> <p>13 A. No, sir.</p> <p>14 Q. Have you ever been precluded from 15 offering opinion testimony in any case?</p> <p>16 A. No, sir.</p> <p>17 MR. DESCENES: Off the record for 18 a moment.</p> <p>19 (Recess taken 10:16 until 10:21.)</p> <p>20 Q. Before we took that brief break, I 21 was asking you some questions about your 22 areas of expertise. Do you recall that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And I asked you whether 25 specifically your area of expertise was</p>
<p style="text-align: right;">Page 35</p> <p>1 CAMPOS 2 consider yourself qualified as an expert to 3 testify and give opinions about the kind of 4 repairs that were required to be made to the 5 pipeliner in this case?</p> <p>6 A. The kind of repairs?</p> <p>7 Q. That's correct.</p> <p>8 A. Not the kind, no; the 9 quantification of such out-of-pocket costs, 10 yes.</p> <p>11 Q. Right. My question goes to, do you 12 consider yourself qualified as an expert to 13 talk about the methodology of how they went 14 about repairing the pipe in this case?</p> <p>15 A. No, sir.</p> <p>16 Q. And you have no opinion one way or 17 the other about whether the methods they used 18 in repairing this pipe were good, bad or 19 indifferent; is that correct?</p> <p>20 A. The scientific or technical 21 methods, I have no opinion on that, no.</p> <p>22 Q. Do you have any professional 23 designations in the field of evaluating 24 damages, sir?</p> <p>25 A. No. I'm not aware that there are</p>	<p style="text-align: right;">Page 37</p> <p>1 CAMPOS 2 limited to accounting, and I believe you 3 answered that it was not, that you also 4 consider yourself an expert in business, as 5 well; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Can you tell me what areas of 8 business you feel that you believe that you 9 are qualified as an expert in?</p> <p>10 A. Well, I think the best way I can 11 answer that is depending on the specific 12 circumstance as it arises, I can determine 13 that, okay.</p> <p>14 When I first left Ernst I worked 15 for four, five year period as a chief 16 financial officer of American Stock Exchange 17 Company and had my accounting practice at the 18 time, so I was involved in the business 19 world, and while I was with Ernst & Ernst in 20 the business world, so I got to know and get 21 involved in things that I'm, you know, 22 familiar with and, I would say, in certain 23 areas would be an expert in, but I would want 24 to see the facts and circumstances behind 25 each one before I say that I'm able to opine</p>

1 CAMPOS

2 on something, okay. I won't do that in the
3 broad sense, okay.

4 **Q. Understood. So by your previous
5 answer you didn't mean to say that you
6 consider yourself an expert in the business
7 of any field; is that correct, sir?**

8 A. Of a particular industry you mean?

9 **Q. Yes.**

10 A. No. Although I have, as I said,
11 done a lot of work in many industries and I
12 would consider myself an expert in certain
13 facets of the industry, okay, of that
14 particular industry, okay.

15 **Q. Okay. Fair enough. You mentioned
16 just something in your answer that I didn't
17 get in previous questions, and that is, any
18 other jobs that you may have had; you
19 mentioned you were a chief financial officer
20 for a company, for five years, for a company
21 after you left Ernst & Ernst, when was that?**

22 A. At the same time I was doing my
23 accounting practice. It was in Teaneck,
24 New Jersey.

25 **Q. What was the name of the company?**

1 CAMPOS

2 **have not testified to today?**

3 A. No, sir.

4 **Q. How frequently have you testified
5 as an expert witness?**

6 A. It varies. I don't recall when the
7 last one was, it was a couple months ago.
8 More in the past than now, you know, but I
9 have scheduled a deposition next week
10 sometime -- next month sometime. There may
11 be others, it will come up as the cases
12 approach trial.

13 **Q. You've testified more in the past
14 than now as an expert witness; is that
15 correct?**

16 A. On a more frequent basis.

17 **Q. "On a more frequent basis." How
18 much of your revenue is derived from being
19 retained as an expert in litigation?**

20 A. It's less than 50 percent. I don't
21 know percentage-wise, but it's less than 50
22 percent.

23 **Q. Was it more in the past?**

24 A. No. It wasn't more in the past, it
25 was just there were more, more cases you

1 CAMPOS

2 A. It was called The Garcia Company,
3 G-A-R-C-I-A, Corporation, Sporting Goods
4 company that was a distributor and
5 manufacturer, fishing tackle, skis, rifles,
6 tennis equipment, you name it, okay.

7 **Q. And you were the chief financial
8 officer of that company from 1969 to 1947; is
9 that correct?**

10 A. Not the entire time. I was
11 assistant treasurer and then became
12 treasurer. I was on the board of directors.

13 **Q. So you were employed by this
14 company, the Garcia Corporation, from 1969 to
15 1974, in the capacities that you just
16 testified to?**

17 A. 1975, yeah. And when I said
18 earlier about "opportunities," I was asked by
19 them to join them and help them go public.
20 They were an Ernst client, that was one of
21 the opportunities that presented itself.

22 **Q. Okay. Are there any other --**
23 strike that. I asked you questions about
24 your employment history. Are there any other
25 jobs that you've had from 1969 on, that you

1 CAMPOS

2 know.

3 **Q. Do you typically testify as an
4 expert for one side, for only one side?**

5 A. No, sir.

6 **Q. And by that, you understand I'm
7 talking about plaintiff or defendant?**

8 A. I understand. I do not typically
9 testify for either the defendant or the
10 plaintiff.

11 **Q. Or let me rephrase that. In the
12 context of an insurance claim, which is what
13 we are talking about here today, do you only
14 testify for policyholders?**

15 A. No, sir.

16 **Q. You also testify on behalf of
17 insurance companies; is that correct?**

18 A. Yes, sir.

19 **Q. In the context of insurance
20 litigation; is that correct, sir?**

21 A. That's correct. Just last year,
22 testified two or three times in connection
23 with first-party property claims, yes,
24 resulting from 9/11 and resulting from
25 hurricanes.

<p style="text-align: right;">Page 42</p> <p>1 CAMPOS</p> <p>2 Q. Do you recall what insurance 3 companies retained you in the 9/11 and 4 hurricane claim cases?</p> <p>5 A. It was Hartford I believe, okay, 6 and Sorema was another one.</p> <p>7 Q. How do you spell that?</p> <p>8 A. S-O-R-E-M-A. Hartford on a couple 9 occasions.</p> <p>10 Q. For both 9/11 and hurricane claims?</p> <p>11 A. Yes. I guess years ago, when I was 12 in college my professor told me that don't 13 try to remember everything, but just know 14 where to go to get the information, so I 15 don't try to cram my mind with all these 16 facts, but I know where to go to get it, but 17 those are the two that that come to mind, but 18 there's others, okay.</p> <p>19 Q. That's fair enough. I'm just 20 asking for your best memory here today.</p> <p>21 Have you ever turned down a 22 proposed engagement, sir?</p> <p>23 A. Yes.</p> <p>24 Q. When was the last time you turned 25 down a proposed engagement?</p>	<p style="text-align: right;">Page 44</p> <p>1 CAMPOS</p> <p>2 that I recall, okay, and I get involved in 3 both.</p> <p>4 Q. And who was your client in this 5 case?</p> <p>6 A. Mr. Philbrick through Insituform.</p> <p>7 Q. How are you being compensated in 8 this case?</p> <p>9 A. On an hourly basis.</p> <p>10 Q. Is your arrangement in writing?</p> <p>11 A. I believe so.</p> <p>12 Q. Do you recall whether it was 13 reduced to some sort of written engagement, 14 sir?</p> <p>15 A. I said I believe it was.</p> <p>16 Q. Okay. And you are charging an 17 hourly rate; is that correct, sir?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you charge a different hourly 20 rate depending on the kind of work that you 21 are doing?</p> <p>22 A. Either on the kind -- not the kind 23 of work, but where a particular client might 24 charge slightly different rates, okay.</p> <p>25 Q. Well, what I was driving at before</p>
<p style="text-align: right;">Page 43</p> <p>1 CAMPOS</p> <p>2 A. About two weeks ago, I was asked to 3 do something by an insurance consultant and I 4 didn't want to do it, okay, and I referred it 5 to someone else, okay.</p> <p>6 Q. Is the reason why you didn't want 7 to do it because you felt you could not 8 give the opinion that they were seeking in 9 that case?</p> <p>10 A. No, no. It was he was representing 11 a policyholder and I didn't want to represent 12 the policyholder, okay.</p> <p>13 Q. All right. Understood. The 9/11 14 claims and hurricane claims that you 15 testified about involving first-party 16 property damage, in both categories were you 17 retained to testify about damages?</p> <p>18 A. Yes, principally. Also profits, 19 business interruption.</p> <p>20 Q. So in both categories, "both 21 categories," 9/11 claims and hurricane 22 claims, they were business interruption 23 cases; is that correct?</p> <p>24 A. Business interruption, but there 25 were elements of property damage also now</p>	<p style="text-align: right;">Page 45</p> <p>1 CAMPOS</p> <p>2 is, do you charge a different rate for 3 testifying versus doing document review?</p> <p>4 A. No, sir.</p> <p>5 Q. You charge the same rate for both 6 activities, sir?</p> <p>7 A. My activity, yes.</p> <p>8 Q. What rate are you charging 9 Insituform in this case?</p> <p>10 A. I believe it's 300 an hour.</p> <p>11 Q. Is anybody else from your firm also 12 involved in this engagement?</p> <p>13 A. Yes.</p> <p>14 Q. Who is that?</p> <p>15 A. A young woman by the name of 16 Meghan, M-E-G-H-A-N, Siri, S-I-R-I, Callen, 17 C-A-L-L-E-N, the middle name is her maiden 18 name and she was married in the past year, 19 so.</p> <p>20 Q. Her last name is, again, I'm sorry?</p> <p>21 A. Callen, C-A-L-L-E-N.</p> <p>22 Q. Is she also a CPA?</p> <p>23 A. Yes, sir.</p> <p>24 Q. How long has she been with your 25 firm?</p>

1 **CAMPOS**
 2 A. Ten years, eleven years, something
 3 like that.
 4 **Q. Is she a partner?**
 5 A. Yes.
 6 **Q. And what rate is she charging**
 7 **Insituform for her work?**
 8 A. I do not recall. It's in the \$150,
 9 \$175 rate.
 10 **Q. Do you charge a different rate for**
 11 **testifying at trial than depositions?**
 12 A. No, sir.
 13 **Q. Do you know how much you've charged**
 14 **for your fees to date in this case?**
 15 A. No, I do not.
 16 **Q. Do you know what your projected**
 17 **fees and work will be in this case going**
 18 **forward?**
 19 A. No, no, I do not, okay.
 20 **Q. And are you being paid for your**
 21 **testimony here today?**
 22 A. I'm being paid for my time.
 23 **Q. Okay. What are you being paid?**
 24 A. At the hourly rate that I just
 25 testified to.

1 **CAMPOS**
 2 **Q. Do you have any interest in the**
 3 **outcome of this litigation?**
 4 A. No, sir.
 5 **Q. Are you being paid or compensated**
 6 **in any other way for your time here today,**
 7 **other than what you previously testified to?**
 8 A. Just my time, that's all.
 9 **Q. At \$300 an hour?**
 10 A. Yes, sir.
 11 **Q. Approximately how often have you**
 12 **been deposed in the last five years?**
 13 A. Either deposed or testified at
 14 trial, I'd say maybe 30 times or so, maybe
 15 more.
 16 **Q. And the 30 times would include both**
 17 **deposition testimony and trial testimony,**
 18 **sir?**
 19 A. Yes, sir.
 20 **Q. Do you have any understanding today**
 21 **of the breakdown between trial testimony and**
 22 **deposition testimony in the last five years?**
 23 A. No, I don't. Most of it is
 24 deposition testimony.
 25 **Q. And of those cases, do any of them**

1 **CAMPOS**
 2 **involve insurance?**
 3 A. Oh, yes.
 4 **Q. Approximately how many cases**
 5 **involve insurance?**
 6 A. Well, either directly or
 7 indirectly, the majority of the cases would
 8 involve insurance.
 9 **Q. And in the last five years, have**
 10 **you testified in any cases that involved**
 11 **issues similar to the issues in this case?**
 12 A. Well, when I say -- when you say
 13 "issues in this case," I look at the issues
 14 I'm involved in as the quantification itself
 15 and, yes, I have testified as to the
 16 quantification of what I will call
 17 "out-of-pocket expenditures."
 18 **Q. Did any of the cases in the last**
 19 **five years involve a claim involving pipe**
 20 **rehabilitation like this case?**
 21 A. I don't recall any, no. I can't
 22 recall.
 23 **Q. Did any of the cases that you've**
 24 **testified in the last five years involve**
 25 **quantification of out-of-pocket expenditures**

1 **CAMPOS**
 2 **in a construction claim?**
 3 A. I'm trying to recall, I was
 4 involved in a construction, in a corporation
 5 that was in a construction business, trying
 6 to recall whether it was out-of-pocket costs
 7 or not, I don't recall. I have one case
 8 that's pending, the one that I told you about
 9 that was a malpractice case, that one of the
 10 qualifications they were seeking was someone
 11 who had construction experience, and I met
 12 that qualification and I was engaged by three
 13 defendants in that case.
 14 **Q. You said the malpractice case, is**
 15 **that the architectural malpractice case you**
 16 **testified to previously?**
 17 A. Yeah, the case is just starting,
 18 okay.
 19 **Q. Do you remember the name of it?**
 20 A. Well, the plaintiff is
 21 David Anthony Construction Company, okay,
 22 it's venued in New Jersey.
 23 **Q. New Jersey Superior Court?**
 24 A. As I said, the case is started, I
 25 assume it's the Superior Court.

<p>1 CAMPOS</p> <p>2 Q. And you've been recently engaged in 3 testify in this case?</p> <p>4 A. Yes.</p> <p>5 Q. And in part you were engaged, you 6 believe, because of your construction 7 industry experience?</p> <p>8 A. It was definitely a condition. The 9 one attorney who recommended me asked me 10 questions, and I gave him -- I sent him a 11 letter, I believe, telling him my experience, 12 starting back in the Army audit Agency days, 13 and other construction cases that I've worked 14 on over the years.</p> <p>15 Q. Have you produced a report in that 16 case yet, sir?</p> <p>17 A. No. It hasn't even started yet.</p> <p>18 Q. So I assume you haven't testified 19 in that case yet?</p> <p>20 A. Oh, no.</p> <p>21 Q. Of the 30 some-odd cases that 22 you've testified in, in the last five years, 23 what percentage of those cases did you 24 testify on behalf of an insurance company?</p> <p>25 A. I don't really quantify my cases</p>	<p>1 CAMPOS</p> <p>2 A. My records in my office, yeah.</p> <p>3 Q. And relatively speaking, you may 4 not know the answers, but has she put in more 5 time into this matter than you or less time?</p> <p>6 A. She would most likely more time 7 than me.</p> <p>8 MR. DESCENES: Let's mark this 9 next.</p> <p>10 (Campos Exhibit 2, document, marked 11 for identification, as of this date.)</p> <p>12 Q. Mr. Campos, could I direct your 13 attention to what has been marked as Campos 14 Exhibit 2, and just ask you to take a moment 15 to review that document, and I'll ask you 16 some questions, sir.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you recognize that document?</p> <p>19 A. Yes, I do.</p> <p>20 Q. What is it?</p> <p>21 A. It's the cases in which I've 22 testified at trial or been deposed in the 23 last four years.</p> <p>24 Q. Was this list accurate and complete 25 at the time it was created?</p>
<p>1 CAMPOS</p> <p>2 that way, but I would estimate that it would 3 be somewhere between 30 and 50 percent, okay.</p> <p>4 Q. The same question, what percentage 5 of cases in the last five years have you 6 testified on behalf of policyholders in an 7 insurance claim or litigation?</p> <p>8 A. I would say maybe 15, 20 percent.</p> <p>9 Q. You mentioned your partner 10 Ms. Callen was involved in this particular 11 case; is that correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Can you tell me what her role has 14 been in this particular case?</p> <p>15 A. She assisted me in all aspects of 16 the case and worked under my direct 17 supervision.</p> <p>18 Q. Does she also testify from time to 19 time as an expert witness in cases?</p> <p>20 A. On a few instances, yes.</p> <p>21 Q. Do you know how many hours she's 22 put into this engagement?</p> <p>23 A. No, sir.</p> <p>24 Q. Is there any way you could 25 determine that?</p>	<p>1 CAMPOS</p> <p>2 A. Yes, sir, to the best of my 3 knowledge.</p> <p>4 Q. I believe this list was a part of a 5 production in May of 2006. Has this been 6 updated since May of 2006?</p> <p>7 A. It should have been, yes. May 8 2006?</p> <p>9 Q. Well, that's the date of your 10 report.</p> <p>11 A. Okay. I believe there have been 12 depositions since then but, if are not here, 13 they should be updated in the office.</p> <p>14 MR. DESCENES: Okay. Charlie, if 15 it's not too much trouble, could I get 16 an updated list from Mr. Campos.</p> <p>17 MR. PHILBRICK: Sure.</p> <p>18 MR. DESCENES: And also, I would 19 like to request the agreement that he's 20 made in his written engagement with your 21 firm.</p> <p>22 MR. PHILBRICK: I will take that 23 under advisement. I would assume it's 24 already in the production that you have.</p> <p>25 MR. DESCENES: It's not. I don't</p>

<p style="text-align: right;">Page 54</p> <p>1 CAMPOS</p> <p>2 think it is. I went through his -- we</p> <p>3 don't need to have a prolonged</p> <p>4 discussion on the record, but I didn't</p> <p>5 find it in the documents produced to us.</p> <p>6 A. I said I believe so. If it is,</p> <p>7 I'll get it.</p> <p>8 Q. Sure. That's up to your counsel,</p> <p>9 he's taken it under advisement. I just want</p> <p>10 to make the request on the record.</p> <p>11 Do you have transcripts of your</p> <p>12 testimony in all of these cases that are</p> <p>13 listed here?</p> <p>14 A. I would have or should have with</p> <p>15 respect to the depositions, not necessarily</p> <p>16 with respect to trial testimony.</p> <p>17 Q. Okay. It appears to list about 30</p> <p>18 cases here. Can you tell me what cases</p> <p>19 involve trial testimony?</p> <p>20 A. Well, I believe Weiss versus Ferro,</p> <p>21 PSG versus SKW Real Estate.</p> <p>22 Q. You are just reading from the first</p> <p>23 page, right?</p> <p>24 A. From the caption.</p> <p>25 Q. The caption on the first --</p>	<p style="text-align: right;">Page 56</p> <p>1 CAMPOS</p> <p>2 case.</p> <p>3 A. Yes.</p> <p>4 Q. And in that case there's an</p> <p>5 insurance company mentioned.</p> <p>6 A. Yes.</p> <p>7 Q. "AIU Insurance Company"?</p> <p>8 A. Yes.</p> <p>9 Q. Did you testify in that case on</p> <p>10 behalf of the insurance company or</p> <p>11 policyholder?</p> <p>12 A. Insurance company.</p> <p>13 Q. And what was the nature of that</p> <p>14 case?</p> <p>15 A. It was a claim for environmental</p> <p>16 cleanup and my role was evaluating the</p> <p>17 damages.</p> <p>18 Q. It was a super fund type case?</p> <p>19 A. In a sense, yes.</p> <p>20 Q. Your role was evaluating the</p> <p>21 remediation cost claim by the policyholder?</p> <p>22 A. Yes, on behalf of AIU. Next page.</p> <p>23 Q. One more question about the AIU</p> <p>24 case. Was part of your role in evaluating</p> <p>25 whether the remediation costs were reasonable</p>
<p style="text-align: right;">Page 55</p> <p>1 CAMPOS</p> <p>2 A. On the first column.</p> <p>3 Q. We're on the first page though,</p> <p>4 right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay.</p> <p>7 A. Egber versus Egber.</p> <p>8 Q. All three of those cases involve</p> <p>9 trial testimony, sir?</p> <p>10 A. Yes, sir. To the best of my</p> <p>11 recollection, yes. I'm not sure about the</p> <p>12 other two on the first page.</p> <p>13 Q. Okay. Moving on to the second</p> <p>14 page.</p> <p>15 A. Second page, when you get down --</p> <p>16 I'm not sure of the ones preceding the one</p> <p>17 I'm going to testify as to now, RSR</p> <p>18 Corporation versus AIU Insurance was trial</p> <p>19 testimony. Estate of James Bastek was trial</p> <p>20 testimony. Swan International, I think was</p> <p>21 trial.</p> <p>22 Q. Before you go on to the next page,</p> <p>23 sir.</p> <p>24 A. Yes, sir.</p> <p>25 Q. You mentioned the "RSR Corporation"</p>	<p style="text-align: right;">Page 57</p> <p>1 CAMPOS</p> <p>2 and necessary?</p> <p>3 A. Well, reasonable yes, necessary,</p> <p>4 yes. There's another one of those cases for</p> <p>5 that particular attorney, that's pending</p> <p>6 right now.</p> <p>7 Q. You are talking about another case</p> <p>8 for Robert E. Rider at Jackson and Campbell,</p> <p>9 sir?</p> <p>10 A. Yes, he was representing insurance</p> <p>11 companies and I believe including an AIG</p> <p>12 company, okay.</p> <p>13 Q. Okay.</p> <p>14 A. I don't recall the first two,</p> <p>15 whether I testified at trial or not, but I</p> <p>16 know --</p> <p>17 Q. We're on to the third page, are we</p> <p>18 not, sir?</p> <p>19 A. Third page, where it says "Solution</p> <p>20 F" on top?</p> <p>21 Q. Yes. I just want the record to be</p> <p>22 clear.</p> <p>23 A. Yes. The Liverpool Club Corp.</p> <p>24 Versus Wausau.</p> <p>25 Q. You believe that case involved</p>

<p>1 CAMPOS 2 trial testimony? 3 A. Yes, sir. 4 Q. And in that case did you testify on 5 behalf of -- 6 A. Liverpool. 7 Q. Let me back up, ask you what was 8 the nature of that case, if you recall? 9 A. I don't recall the specifics of the 10 case, but I did testify on behalf of 11 Liverpool Club, okay. 12 Q. Against Wausau Insurance Company? 13 A. Yes, sir, in a limited role, okay. 14 Q. Anything else in terms of trial 15 testimony on that page? 16 A. I'm trying to recall, sir. I don't 17 believe any more trial testimony. 18 Q. On page three? 19 A. On page three, on the last page, 20 the only other trial testimony that I can 21 recall being trial testimony was the 22 Mount Nittany Inn case, next to the last one. 23 Q. What did that case involve? 24 A. It involved the Hotel Mount Nittany 25 Inn making a claim against, I think it was a</p>	<p>1 CAMPOS 2 quantifying the damages in that case? 3 MR. PHILBRICK: Object to form. 4 The witness may answer if he can. 5 A. Looking at, analyzing the damages 6 that were claimed to determine if they were 7 reasonable. 8 Q. Anything else? 9 A. Reasonable and necessary. 10 Q. Okay. 11 A. That's essentially it, okay. 12 Q. Did the remaining cases, we've been 13 through this entire list, involve your 14 deposition testimony only? 15 A. To the best of my recollection, 16 sir, yes. 17 Q. Of these cases listed on Exhibit 2, 18 which cases involved insurance coverage 19 claims? 20 A. Page two, the RSR Corporation case 21 was definitely insurance. 22 Q. Okay. 23 A. Swan International was, I believe, 24 a captive insurance company. 25 Q. And that's on page two, as well?</p>
---	--

<p style="text-align: right;">Page 59</p> <p>1 CAMPOS 2 subrogation claim, and I was representing the 3 defendant. 4 Q. Who was the defendant in that case? 5 A. Well, Swartz Fire and Safety and 6 possibly Richard Benner, but I definitely 7 represented the defendant. 8 Q. Do you remember what the case was 9 about? 10 A. It was a fire that occurred, and 11 they were suing to recover the loss of 12 profits and some of the out-of-pocket 13 expenditures. 14 Q. Were they suing a defendant they 15 believe that was responsible for causing the 16 fire? 17 A. That was their claim, yes. 18 Q. And your engagement involved 19 quantifying the alleged damages in the case? 20 A. Yes, sir. 21 Q. In that case you were 22 representing -- you were retained by 23 defendant; is that correct? 24 A. Yes, sir. 25 Q. And what was your role in</p>	<p style="text-align: right;">Page 61</p> <p>1 CAMPOS 2 A. The bottom of page two, yes, sir. 3 The Liverpool case on page three, the AJM 4 Meat Packing case on page three, the 5 Traveler's case on page three, Double O Meat 6 Market case on page four, St. Paul case on 7 page four, Lava Trading on page four, 8 Mount Nittany Inn and the Landec Corporation 9 versus Sorema on page four. 10 Q. There's Sorema. On page four, at 11 the top, you mention the All American 12 Insurance Company case? 13 A. Yes. 14 Q. In that case were you retained by 15 the insurance company or the policyholder? 16 A. Insurance company. 17 Q. And in the Lava Trading case, were 18 you retained by the insurance company or the 19 policyholder to testify? 20 A. The insurance company, by Hartford. 21 Q. And in the Landec Corporation 22 versus Sorema, you were retained there also 23 by Sorema; is that correct? 24 A. Yes, sir. 25 Q. Did any of the cases listed here</p>
---	--

1 **CAMPOS**
 2 involve the valuation of damages for
 3 construction cost?
 4 A. Solely construction costs or
 5 construction company, none that I can recall,
 6 but there would be in several of these cases,
 7 there would be property damage, out-of-pocket
 8 expenditures that would have been incurred,
 9 that I was involved in quantifying.
 10 **Q. Okay. And by "property damage**
 11 **expenditures," are you talking about costs to**
 12 **repair property damage, sir?**
 13 A. Repair or replace, yes.
 14 **Q. Did any of the cases listed here**
 15 **involve costs related to repair and**
 16 **replacement of a pipeliner?**
 17 A. I don't believe so.
 18 **Q. Have you ever testified before in**
 19 **any case at any time about the costs related**
 20 **to repair and replacement of a pipeliner?**
 21 A. I don't recall, sir.
 22 **Q. Approximately do you know how many**
 23 **damages reports you've produced in the last**
 24 **five years?**
 25 A. I would estimate in the last five

1 **CAMPOS**
 2 A. Well, I think he described the
 3 background of the case and that it would
 4 involve out-of-pocket costs, you know.
 5 **Q. What did he tell you about the**
 6 **factual background of the case?**
 7 A. You know, involving the pipe in
 8 Massachusetts and so forth, what was set
 9 forth in the first couple of paragraphs of my
 10 report.
 11 **Q. Did he explain any of the legal**
 12 **issues in the case?**
 13 A. Not that I can recall, no.
 14 **Q. Do you recall whether he said**
 15 **anything else to you about the case in your**
 16 **initial conversation with him?**
 17 A. I don't recall.
 18 **Q. And what did you say in response in**
 19 **terms of being retained in the case?**
 20 A. That I believe I could assist him.
 21 **Q. Did you make any notes of your**
 22 **conversation with Mr. Philbrick?**
 23 A. I don't believe I did, no.
 24 **Q. In your practice do you typically**
 25 **make notes of telephone conversations, sir?**

1 **CAMPOS**
 2 years over 80, over 100, somewhere in there.
 3 **Q. Okay.**
 4 A. That I was involved in personally,
 5 okay.
 6 **Q. Understood. When were you first**
 7 **contacted about this case?**
 8 A. I believe in either late May or
 9 early June of 2005.
 10 **Q. Who contacted you?**
 11 A. Mr. Philbrick.
 12 **Q. Do you recall what he said in the**
 13 **first conversation with you?**
 14 A. Well, he asked me to -- that he had
 15 a case that he wondered whether I could
 16 assist him in, in which his client had
 17 prepared a claim, and that my job was to
 18 analyze and review the claim from the point
 19 of view of an accountant experienced in
 20 working on behalf of insurance companies, to
 21 see whether it was reasonable, reasonably
 22 stated.
 23 **Q. Do you recall what he told you**
 24 **about the case at that time, and I'm talking**
 25 **about the initial contact?**

1 **CAMPOS**
 2 A. Not normally other than, you know,
 3 the name of the person who might call and the
 4 telephone number, not any substantive notes,
 5 no.
 6 **Q. I take it from your answer, it's**
 7 **not your practice to do memos to the file of**
 8 **telephone conversations?**
 9 A. No, sir, it's not my practice.
 10 **Q. As a result of this initial**
 11 **contact, were you retained as an expert**
 12 **witness in this case?**
 13 A. Yes, sir.
 14 **Q. By whom were you retained?**
 15 A. By Insituform, Mr. Philbrick.
 16 **MR. DESCHENES:** Let's mark this
 17 next, Exhibit 3.
 18 (Campos Exhibit 3, document, marked
 19 for identification, as of this date.)
 20 **Q. Sir, you've been handed what has**
 21 **been marked as Campos Exhibit 3, and I ask**
 22 **you to take a moment to review the document**
 23 **and then I'll ask you questions.**
 24 A. Yes, sir.
 25 **Q. Do you recognize this document,**

<p>1 CAMPOS</p> <p>2 sir?</p> <p>3 A. Yes.</p> <p>4 Q. What is it?</p> <p>5 A. It's a letter from Mr. Philbrick to 6 me, dated June 7, 2005, thanking me for 7 returning his call, and confirming that he 8 has retained me as a consulting expert in 9 connection with the above captioned lawsuit.</p> <p>10 Q. Do you recall receiving this 11 letter, sir?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And is this among the documents 14 from your file produced in this case?</p> <p>15 A. It appears as though it is, yes.</p> <p>16 Q. And you know that from looking at 17 the Bate Stamp No. down in the bottom 18 right-hand corner, sir?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And this letter is dated June 7, 21 2005, and Mr. Philbrick says to you, in the 22 first line, "thank you for returning my call 23 this morning."</p> <p>24 Was this on or about the first 25 conversation -- strike that.</p>	<p>Page 66</p> <p>1 CAMPOS</p> <p>2 costs would be recoverable under the 3 American Home policy?</p> <p>4 A. I don't know specifically whether 5 the word "recoverable" was part of the 6 conversation, but by inference, yes.</p> <p>7 Q. And you mentioned that you were 8 provided with Insituform's claim submission 9 which was two to four binders of documents, 10 sir?</p> <p>11 A. Yes, I believe it was a couple of 12 binders of documents, yes.</p> <p>13 Q. And did you have any understanding 14 about where those documents came from?</p> <p>15 A. I understood they came from 16 Insituform, that Insituform personnel had 17 prepared them.</p> <p>18 Q. Did you have any understanding that 19 Insituform had prepared those documents for 20 submission to another insurance company?</p> <p>21 A. To, when you say "another"?</p> <p>22 Q. Other than my client, American Home 23 Assurance Company.</p> <p>24 A. I understood that they had prepared 25 it for submission to both insurance</p>
<p>1 CAMPOS</p> <p>2 Does this letter memorialize when 3 you had your first conversation with 4 Mr. Philbrick?</p> <p>5 A. Well, this, I believe this is the 6 first, but it could have been the second, I 7 don't know. I believe I opened the file the 8 next day, okay.</p> <p>9 Q. And after being retained as an 10 expert what, if anything, were you asked to 11 do?</p> <p>12 A. Well, I was provided with 13 Insituform's claim submission, which were 14 several three or four binders, maybe only two 15 binders, something like that, of the claim 16 submission, voluminous documents, and I was 17 asked to review them.</p> <p>18 Q. Were you asked to review the claim 19 documents to ensure that the claim costs were 20 adequately supported by documentation?</p> <p>21 A. By documentation and/or reasonable 22 in the context of an insurance claim and from 23 the viewpoint of an accountant who normally 24 represents insurance companies.</p> <p>25 Q. Were you asked to determine what</p>	<p>Page 67</p> <p>1 CAMPOS</p> <p>2 companies, as I understood it.</p> <p>3 Q. And I asked you about whether you 4 were asked to look at whether the costs were 5 recoverable under the American Home policy, 6 and you said that those words weren't used, 7 but by inference that's what you were asked 8 to do; is that correct, sir?</p> <p>9 A. I wasn't sure whether that specific 10 word was used, but by inference that's what I 11 was asked to do, yes.</p> <p>12 Q. How did you go about determining 13 whether the costs were recoverable under the 14 American Home policy?</p> <p>15 A. By reviewing the documentation that 16 was submitted in a manner that I would do if 17 I were representing a carrier.</p> <p>18 Q. Were you asked to look at the 19 specific policy language, sir?</p> <p>20 A. No, I was not asked to look at the 21 specific policy language, other than the 22 reference to actual costs that appears in the 23 policy.</p> <p>24 Q. And in what policy does that 25 language appear, sir?</p>

1 **CAMPOS**

2 A. I think I looked at the Liberty
 3 policy but, again, I don't interpret
 4 policies, you've got to be licensed to do
 5 that and I'm not licensed to interpret
 6 policies, but by custom and practice I know
 7 what's to be included in a claim of this
 8 sort, okay.

9 **Q. But you would agree that as part of**
 10 **your retention here, you were not asked to**
 11 **look at whether there was coverage under the**
 12 **policy; is that correct?**

13 A. I was not asked to determine
 14 whether there was any coverage under the
 15 policy. If I were asked to do that, I would
 16 decline to do it because I'm not qualified to
 17 do that. I'm not licensed to do that.

18 **Q. Understood. And you testified you**
 19 **looked at the words "actual cost" in the**
 20 **Liberty Policy, you remember looking at that;**
 21 **is that correct, sir?**

22 A. Yes.

23 **Q. Do you recall focusing in on any**
 24 **other language in either the Liberty Mutual**
 25 **policy at issue in this case or the**

1 **CAMPOS**

2 **American Home policy involved in this case?**

3 A. Later on my attention was focused
 4 to the reference to the Liberty policy when I
 5 read, I believe, one of your memoranda or
 6 cross motion, or whatever, where you refer to
 7 policy language, and at that point when I
 8 read that I referred to the policy.

9 **Q. Okay. And do you recall**
 10 **specifically what policy language you were**
 11 **referred to?**

12 A. It was where the insureds are
 13 entitled to recover the lesser of two
 14 specific repairs. I don't know the specific
 15 language off the top of my head, but it
 16 referred to the policy with respect to the
 17 memorandum that you prepared and I was
 18 focused in, in that instance, to the policy,
 19 okay.

20 **Q. You are referring to the Liberty**
 21 **policy, once again, are you not, sir?**

22 A. Yes, I believe. Yes, I believe
 23 that was the memorandum that referred to that
 24 policy, yes.

25 **Q. Okay. Then is it fair to say as**

1 **CAMPOS**

2 **part of your engagement in this case, you**
 3 **have not focused at all on any of the**
 4 **language in the American Home policy?**

5 A. No. I looked at the American Home
 6 policy but, again, I don't interpret the
 7 policies. My focus is on quantifying and my
 8 custom and practice, I know what should be
 9 included in a claim of this sort without
 10 reference to the specific wording, okay.

11 **Q. So it's your testimony that based**
 12 **on your 45 years of experience and your**
 13 **knowledge of custom and practice, that you**
 14 **can determine what claim should be**
 15 **recoverable under a policy without regard to**
 16 **the policy language?**

17 A. In general the liability policies
 18 and property policies, once I know the type
 19 of policy that's involved, I can tell what
 20 elements of expense are recoverable or not
 21 recoverable, when you are trying to indemnify
 22 someone for their out-of-pocket expenditures,
 23 okay, and that's what I focus in on when I
 24 look at this particular claim, I focused in
 25 on that area.

1 **CAMPOS**

2 **Q. All I'm asking you, sir, though is**
 3 **that you can do that without regard to the**
 4 **specific policy language; is that correct?**

5 A. Without the specific policy
 6 language, as long as, as I testified, I know
 7 the type of policy that's involved, and
 8 unless there's some specific wording in the
 9 policy that negates whatever I've learned in
 10 the past 45 years, then that's what should be
 11 recoverable.

12 **Q. Okay. And I think you mentioned a**
 13 **couple times in your previous responses that**
 14 **you were looking at this claim from the**
 15 **viewpoint of someone who represents insurance**
 16 **companies; is that correct?**

17 A. Yes.

18 **Q. And you've also testified about**
 19 **custom and practice and what's to be included**
 20 **in a claim and what's not to be included in a**
 21 **claim; is that correct, sir?**

22 A. Yes, sir.

23 **Q. And is that in any kind of written**
 24 **document?**

25 A. No, sir. It's been part of my

<p>1 CAMPOS</p> <p>2 practice, I'm asked many times to, at a 3 deposition or trial, to interpret the policy, 4 I do not interpret the policy, that's left to 5 either a licensed adjuster or to an attorney 6 who are licensed to interpret the policies.</p> <p>7 But when I, over the years, when 8 I've worked with the policies, I know from 9 dealing with adjusters and insurance 10 companies and attorneys what's to be included 11 and not included based on custom and 12 practice.</p> <p>13 Q. Okay. Can you tell me based on 14 your experience of working with adjusters and 15 attorneys, what is to be included in a claim 16 such as this in terms of custom and practice 17 then?</p> <p>18 A. The direct out-of-pocket 19 expenditures, to properly indemnify the 20 claimant and to exclude any overhead factors 21 that include fixed expenditures and, in 22 essence, recovering the actual costs 23 incurred. And when I said that I was hired 24 to look at it from the point of view of an 25 accountant that's worked on behalf of</p>	<p>1 CAMPOS</p> <p>2 recovering the actual costs incurred, do you 3 typically look at whether those costs are 4 reasonable and necessary?</p> <p>5 A. I look at them, I look at the 6 documentation. I don't determine and can't 7 determine whether they are, let's say, 8 whether somebody could have saved \$0.10 by 9 going someplace else, that's not the focus of 10 my attention, whether I'm representing an 11 insurance company or, in this particular 12 case, critiquing a claim prepared by a 13 policyholder. That's not part of my 14 assignment, okay.</p> <p>15 Q. So it is not part -- strike that.</p> <p>16 We're just talking generally, not 17 about the specific facts of this case.</p> <p>18 A. I understand.</p> <p>19 Q. In an engagement it is not part of 20 your assignment to determine whether costs 21 could have been saved by using a cheaper 22 alternative method; is that correct, sir?</p> <p>23 A. That's correct, or whether as you 24 asked the question earlier, whether they are 25 necessary, that is usually not something that</p>
<p>1 CAMPOS</p> <p>2 insurance companies, I did not put the claim 3 together, the claim was put together and I 4 was analyzing the claim that had already been 5 compiled.</p> <p>6 Q. Thank you for the clarification.</p> <p>7 The four things that you just mentioned, the 8 elements being "direct out-of-pocket 9 expenses," I think you also testified to 10 "properly indemnify the claimant," "exclude 11 any overhead factors that include fixed 12 expenditures," and then the fourth thing you 13 testified to was "recovering the actual costs 14 incurred."</p> <p>15 Can you think of anything else that 16 should be included in a claim like this, or 17 excluded, based on custom and practice in the 18 industry as you understand it?</p> <p>19 A. Not off the top of my head as I sit 20 here today. That's essentially it. That's 21 the majority of the elements that should be 22 included.</p> <p>23 Q. Just talking generally now, not 24 about the specific facts of this case, when 25 you are talking about, you testified about</p>	<p>1 CAMPOS</p> <p>2 I get involved in as to whether they are 3 necessary or not necessary. That's not part 4 of my assignment.</p> <p>5 Q. Okay. Is it fair to say, sir, that 6 it's not part of your assignment to look at 7 whether the costs are reasonable or not?</p> <p>8 A. It is -- no. Part of my assignment 9 is to determine whether they were reasonable 10 vis-a-vis indemnifying a person for their 11 out-of-pocket expenditures, that part of it 12 is part of my assignment.</p> <p>13 And the reasonableness is what I 14 testified earlier, the things that you just 15 mentioned, make sure it doesn't include items 16 that are not part of the actual expenditures.</p> <p>17 Q. But as part of your assignment, you 18 already testified that you don't look at 19 whether something could be done in a less 20 expensive way; is that correct, sir?</p> <p>21 A. Whether or not they could save 22 \$0.10 by going someplace else, yes.</p> <p>23 Q. Or \$0.50?</p> <p>24 A. Yes.</p> <p>25 Q. On the dollar; is that correct,</p>